

REMARKS

Claims 1-6, 8-15, 17-20, 22 and 36-51 are pending in this application. Claims 41 and 47 have been canceled without prejudice, claims 36 and 42 have been amended and claim 52 has been added by the present Amendment. Amended claims 36 and 42 and new claim 52 does not introduce any new subject matter.

Claim 21 was canceled without prejudice by the previous Amendment, and is being reinstated in the form of new claim 52.

WITHDRAWAL OF RESTRICTION REQUIREMENT

As a result of the Examiner's withdrawal of the Restriction Requirement as to any claim requiring all of the limitations of an allowable claim, claim 21, which was previously canceled, is being reinstated in the form of new claim 52. Claim 52 includes all of the limitations of allowable claim 10.

OBJECTION TO DRAWINGS

The Examiner objects to the drawings under 37 C.F.R. § 1.83(a), stating that the recited feature "at least one spacer formed over the thin film transistor" of claim 36 and the recited feature "at least one spacer . . . and overlapping the thin film transistor" of claim 42 must be shown or the feature(s) canceled from the claim(s).

In response to the Examiner's objection, Applicants propose to amend Figs. 5-7 by adding the spacer 400 as designated in the attached drawing sheet. The spacer 400 is described in the specification as being located over a thin film transistor (TFT) at, for example, page 6, lines 2-3 and page 10, lines 3-5, and the addition of the spacer 400 to Figs. 5-7 does not constitute new matter. Accordingly, Applicants request that the Examiner withdraw the objection to the drawings.

In accordance with 37 C.F.R. § 1.84, Applicants file herewith replacement drawing sheets for amended Figs. 5-7, which have been labeled "Replacement Sheet".

OBJECTION TO SPECIFICATION

The Examiner objects to the specification as failing to provide proper antecedent basis for the claimed subject matter, stating that "the specification does not disclose the features 'at least one spacer formed over the thin film transistor' and 'at least one spacer . . . and overlapping the thin film transistor', as recited in claims 36 and 42.

Applicants respectfully disagree with the Examiner and maintain that the specification discloses "at least one spacer formed over the thin film transistor and at least one spacer . . . and overlapping the thin film transistor", at, for example, page 6, lines 2-3 and page 10, lines 3-5. On page 6, lines 2-3, the specification states that "the spacers are preferably located over the gate lines, the data lines, or the TFTS." Similarly, on page 10, the specification has been amended in accordance with the drawing changes to state that "FIGS. 5-7 show the spacers 400 located over the data lines 171 and a TFT. Moreover, prior to the instant amendment, the specification at page 10, lines 3-5 stated that "the spacers 400 can be located over the gate lines 121, the TFTs, or any other area covered by the black matrix 220."

Accordingly, Applicants maintain that the specification provides proper antecedent basis for the claimed subject matter, and respectfully request that the objection to the specification be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 112

Reconsideration is respectfully requested of the rejection of claims 36-51 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described

in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner states that "[t]he original specification does not disclose the features 'at least one spacer formed over the thin film transistor' and 'at least one spacer . . . and overlapping the thin film transistor', as now recited in claims 36 and 42."

Applicants respectfully disagree with the Examiner and maintain that the original specification discloses these features. For example, as stated above, the specification states that "the spacers are preferably located over the gate lines, the data lines, or the TFTS." See page 6, lines 2-3. Further, the originally filed specification stated that "the spacers 400 can be located over the gate lines 121, the TFTs, or any other area covered by the black matrix 220." See page 10, lines 3-5. Also, the specification has been amended in accordance with the drawing changes to state that "FIGS. 5-7 show the spacers 400 located over the data lines 171 and a TFT."

Applicants, therefore, respectfully request that the Examiner's rejection of claims 36-51 under 35 U.S.C. § 112 be withdrawn.

REJECTION UNDER 35 U.S.C. § 103(a)

Reconsideration is respectfully requested of the rejection of claims 36-38, 42-45 and 48-50 under 35 U.S.C. § 103(a) as being unpatentable over JP 2002-082339 ("JP '339") in view of U.S. Patent Application Pub. No. 2003/0020864 ("Yanagawa").

In order to place the application in condition for allowance, Applicants have amended claims 36 and 42 to include the limitations of allowable claims 41 and 47, respectively.

As such, Applicants respectfully submit that claims 36 and 42 are patentable over the cited references. In addition, for at the least the reason that claims 37-38 depend from claim 36, and claims 43-45 and 48-50 depend from claim 42, claims 37-38, 43-45 and 48-50 are also submitted to be patentable over JP '339 and Yanagawa.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 36-38, 42-45 and 48-50 under 35 U.S.C. § 103(a).

ALLOWABLE SUBJECT MATTER

Applicants gratefully acknowledge the Examiner's indication that claims 1-6, 8-15, 17-20 and 22 are allowed and that claims 39-41, 46, 47 and 51 would be allowable if rewritten to overcome the rejections under section 112 and to include all of the limitations of the base claim and any intervening claims.

Claims 41 and 47 have been incorporated into independent claims 36 and 42, respectively. Further, in view of the above remarks, Applicants respectfully submit that the claims are in compliance with section 112.

An early and favorable reconsideration is earnestly solicited. If the Examiner has any further questions or comments, the Examiner may telephone Applicants' Attorney to reach a prompt disposition of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael F. Morano", is written over a horizontal line.

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